

Senate Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 65

# **SENATE BILL 1260**

AN ACT

AMENDING TITLE 27, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING  
SECTION 27-1203.01; RELATING TO MINED LAND RECLAMATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 27, chapter 6, article 1, Arizona Revised Statutes,  
3 is amended by adding section 27-1203.01, to read:

4 27-1203.01. Exemption for limited, intermittent-use projects

5 A. THE REGULATORY AND RECLAMATION PROVISIONS OF THIS CHAPTER DO NOT  
6 APPLY TO AN AGGREGATE MINING UNIT THAT IS INTERMITTENTLY USED FOR SPECIFIC  
7 GOVERNMENTAL PROJECTS IF IT MEETS ALL OF THE FOLLOWING CONDITIONS:

8 1. THE AGGREGATE MINING UNIT CONSISTS OF:

9 (a) A SURFACE DISTURBANCE OF NOT MORE THAN TWENTY CONTIGUOUS ACRES.

10 (b) A SINGLE PIT OF NOT MORE THAN TEN ACRES.

11 2. THE AGGREGATE MINING UNIT IS SUBJECT TO THE REQUIREMENTS OF THE  
12 CLEAN WATER ACT (33 UNITED STATES CODE CHAPTER 26).

13 3. THE DEPTH OF EXCAVATION WILL NOT EXCEED TWENTY-FIVE FEET BELOW THE  
14 LOWEST EXISTING SURFACE ELEVATION.

15 4. THE AGGREGATE MATERIAL REMOVED FROM THE EXCAVATION IS USED SOLELY  
16 FOR GOVERNMENTAL PROJECTS AND NOT FOR ANY PRIVATE COMMERCIAL PURPOSE.

17 5. AT THE END OF THE SPECIFIC PROJECT USE, THE UNIT WILL BE RECLAIMED  
18 IN A MANNER CONSISTENT WITH THE REQUIREMENTS OF THE OWNER OF THE LAND AND ALL  
19 SAFETY CONDITIONS PRESCRIBED BY LAW.

20 B. THIS SECTION DOES NOT SUPERSEDE THE REQUIREMENTS OF A FLOOD CONTROL  
21 DISTRICT TO MAINTAIN THE STABILITY AND THE FLOOD CARRYING CAPACITY OF THE  
22 FLOODPLAIN.

23 C. THIS SECTION DOES NOT APPLY TO AGGREGATE MINING UNITS THAT ARE  
24 WITHIN THE EXTERIOR BOUNDARIES OF AN INCORPORATED CITY OR TOWN OR THAT ARE IN  
25 AN UNINCORPORATED AREA OF A COUNTY THAT IS SURROUNDED ON ALL SIDES BY ONE OR  
26 MORE INCORPORATED CITIES OR TOWNS.

27 Sec. 2. Emergency

28 This act is an emergency measure that is necessary to preserve the  
29 public peace, health or safety and is operative immediately as provided by  
30 law.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.